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The Honorable Tim Hutchison
U.S. House of Representatives
1541 Longworth House Office Building
Washington, D.C. 20515
Attention: Greg Winter

Dear Congressman Hutchison:

Thank you for your letter on behalf of Lonnie Nichols, Sheriff, Carroll County Sheriff's Department, and Jay Winters, Sheriff, Pope County Sheriff's Department, regarding the Commission's Billed Party Preference (BPP) proceeding. On May 19, 1994, the Commission adopted a Further Notice of Proposed Rulemaking in this proceeding. I have enclosed a copy of the Further Notice and press release accompanying it for your information.

The Further Notice sets forth a detailed cost/benefit analysis of BPP. This analysis indicates, based on the available data, that the benefits of BPP to consumers would exceed its costs. The Further Notice sought comment on this analysis and asked interested parties to supplement the record concerning the costs and benefits of BPP. The Further Notice also invited parties to recommend alternatives to BPP that could produce many of the same benefits at a lower cost. Reply comments were due September 14, 1994. Presently, the Commission is evaluating the comments submitted and considering the implementation of BPP along with other options.

The Further Notice also explicitly sought comment on whether correctional facility telephones should be exempt if BPP is adopted. Specifically, the Further Notice sought additional information on the effectiveness and costs of controlling fraud originating on inmate lines with or without BPP. The Further Notice also sought comment on a proposal to exempt prison telephones from BPP if the operator service provider adheres to rate ceilings for inmate calling services.

BPP would not preclude prison officials from blocking or limiting inmate calls to specific telephone numbers in order to prevent threatening and harassing calls. Moreover, BPP would not affect the ability of prison officials to limit inmates to collect calling or to program telephone equipment at the prison site to block certain numbers.

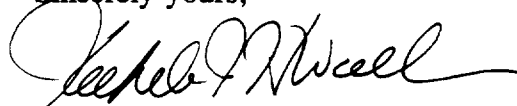
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The Honorable Tim Y. Hutchison
Page 2

Thank you for your interest in this proceeding. I can assure you that the Commission will carefully examine all of the comments submitted in response to the Further Notice, including additional empirical data regarding the costs and benefits of implementing BPP and the impact of BPP on telephone service from correctional facilities.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'Kathleen M.H. Wallman', written in a cursive style.

Kathleen M.H. Wallman
Chief
Common Carrier Bureau

Enclosures

OLA

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HOUSE OF REPRESENTATIVES, U.S.
WASHINGTON, D.C.

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The attached communication is submitted for your consideration, and to ask that the request made therein be complied with, if possible.

If you will advise me of your action in this matter and have the letter returned to me with your reply, I will appreciate it.

Attention: Gregg Winter

Very Truly yours,

Tim Hutchinson
.....
M.C.

3rd, Arkansas
..... District.

Carroll County Sheriff's Department

210 West Church Street
Berryville, Arkansas 72616

VW | JU - C/K

125480

Phone (501) 423-2901

Lonnie Nichols, Sheriff



AUG 2 5 1994

August 1, 1994

Congressman Tim Hutchison
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman Hutchison:

As a Sheriff of Arkansas, I have numerous concerns about the proposed Billed Party Preference regulation. If this change were to occur, not only would it jeopardize the correctional facility inmate phone industry, but also the inmates, their families, and the entire criminal justice system. Because of this, I feel it would be in the best interest of correctional facilities to continue serving inmates as it presently does.

As I stated above, there are numerous concerns with the proposed regulation. Some of the largest ones are as follows:

- *The right is taken away from facility administrators to choose the inmate phone provider of their choice.

- *In many cases, jail length would increase for inmates because the phone usage would decrease, making it hard to make bond arrangements. (Eventually, this would affect taxpayers.)


- *If correctional facilities changed to the BPP system, they could no longer be able to control the calls of inmates. Features like call tracking or blocking would no longer be available and this would mean that inmates could harass witnesses, jury members, judges, and even their victims.

- *With the current system, correctional facilities can control fraud problems with the assistance of the inmate phone provider. With BPP, call control would not be possible.

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The above shows just a few of the major concerns with the Billed Party Preference regulation. Should the BPP become regulation, I would request that you make inmate calls exempt. I would appreciate you looking further into this matter.

Sincerely,



Lonnie Nichols,
Sheriff

Jay Winters
Sheriff
Major Dillard Bradley
Chief Deputy

Pope County Sheriff's Department

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Capt. Terry Bailey
Jail Administrator
Lt. Danny Winters
Jail Supervisor

605 Weir Road • Russellville, Arkansas 72801 • Telephone (501) 968-2558 • FAX (501) 968-6145

August 4, 1994

Tim Hutchinson
Room 248 Federal Building
P. O. Box 1624
Fort Smith, AR 72902

Dear Representative Hutchinson:

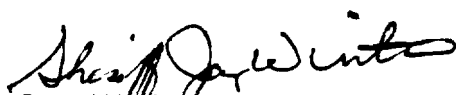
This letter is to express my concern over the proposed Billed Party Preference (BPP) regulation. I would like to make you aware of some of the problems I foresee, if my understanding of the BPP system is correct.

1. Sheriff's and/or jail administrators would no longer be able to choose the inmate phone provider.
2. We would need more staffing to allow inmates to make their calls or the inmates time in jail could be lengthened due to the fact the telephone would not be as accessible.
3. We will not be able to control the inmate calls, which could breach the security of our facility. It could also allow needless harassment to victims or witnesses.

I'm sure there are some more disadvantages but these are just major points. If the BPP system becomes regulation, I would appreciate you amending it to exclude inmate calls.

Thank you for taking the time to read this letter. If you have any questions or if I can be of any assistance in this matter, please do not hesitate to contact me.

Sincerely,


Jay Winters
Pope County Sheriff

JW/sr